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RTS-0242US.C1

REMARKS

Claims 1, 2 and 4-15 are pending in this application. Claim 1 is currently amended, and claims 11 and 15 are canceled. No new matter has been added by this amendment.

The Applicants thank the Examiner for the informal interview by telephone on February 10, 2006 regarding the inclusion of two SEQ ID NOs in claim 1. As the sequences share a 12-nucleotide overlap, the Examiner concurred with the Applicants that both SEQ ID NOs could be searched in a single search which would not constitute an undue burden.

I. Rejection under 35 USC 112, first paragraph

The Examiner has rejected claims 11 and 15 for allegedly failing to comply with the written description requirement. To progress the prosecution of the application, and without concurring with the allegations of the Examiner, the Applicants have canceled claims 11 and 15. Therefore, the rejection of claims 11 and 15 is moot.

II. Rejection under 35 USC 102

The Examiner has rejected claims 1, 2, 4, 5, 11 and 15 under 35 USC 102(b) as being anticipated by Rothstein. The Examiner states that Rothstein teaches a 30-nucleotide oligonucleotide targeted to the start codon of rat SOD-1. A rejection under 102 requires that all of the elements of the claim are taught by the reference. The Applicants submit that the prior art reference

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teaching a rat oligonucleotide targeted to the start codon does not anticipate the original claim 1 that teaches oligonucleotides targeted to the coding region of human SOD-1.

In order to progress the prosecution of the instant application, the Applicants have amended claim 1 to two specific SEQ ID NOs that are targeted to the coding region of human SOD-1, as shown in Table 1 of the instant application. Specifically, SEQ ID NO. 13 and SEQ ID NO. 15 are targeted to the coding region of human SOD-1 (SEQ ID NO. 3) as shown in Table 1, not the start sequence of rat SOD-1. Therefore, the sequences are not anticipated by the Rothstein reference. As the remaining claims pending in the case, claims 2, 4, and 5 are dependent on the non-anticipated claim 1, they are also not anticipated. Therefore, the rejection of claims for anticipation over Rothstein is overcome.

II. Rejection under 35 USC 103(a)

The Examiner has rejected claims 1, 2 and 4-15 under 35 USC 103(a) as being unpatentable over Rothstein in view of Barracchini. The Examiner alleges that it would have been obvious to apply the teachings of Barracchini to modify the sequences of Rothstein to make modified or substituted oligonucleotides. The Applicants submit that the Rothstein does not teach or make obvious the claimed oligonucleotides of the instant invention. This deficiency is not compensated for by Barracchini who does not teach oligonucleotides targeted to the coding region

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of human SOD-1. Therefore, claim 1 is not obvious and is patentable over Rothstein in view of Barracchini. As the remaining claims pending in the case, claims 2, 4-10 and 13-14 are dependent on or include all of the limitations of claim 1, they are also not obvious in view of the prior art. Thus, the rejection of claims for obviousness is overcome.


VI. Fees

It is believe that there is no fee due with this response. However, if a fee is due, the Commissioner is hereby authorized to charge Deposit Account 50-0252 referencing case number RTS-0242US.C1.

V. Conclusions

In view of the forgoing amendments and remarks, the Applicants submit that the case is now in proper form for allowance. However, if the Examiner believes that there are any outstanding issues remaining in the case, the Examiner is encouraged to call the agent for applicant below to discuss the matter.

Respectfully submitted,


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